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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,462	06/27/2003	Brian Meyers	MSFT121083	9377

26389 7590 10/17/2005

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EXAMINER	
LAY, MICHELLE K	
ART UNIT	**PAPER NUMBER**
2672	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/608,462	Applicant(s) MEYERS ET AL.	
	Examiner Michelle K. Lay	Art Unit 2672	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments in regards to claims 1, and 25 have been fully considered but they are not persuasive. Applicant argues that Jones (US Patent No. 6,654,036 B1) does not teach or suggest the ***selection of a graphical component*** or ***determining a destination location to which the graphical component is moved***. Examiner respectfully disagrees. As taught by Jones in col. 6, lines 23-26, text is inputted in an active window (402) behind an inactive window (404). By having both active and inactive windows, it is implied that in order to cause a window to be active, a window needs to be selected. Therefore, Jones teaches ***a selection of a graphical component***. Furthermore, Jones teaches a window-positioning program (124) that repositions the active (402) and inactive (404) windows [col. 6, lines 25-60]. The program repositions the active window (402) to the foreground so that the inputted text can be seen [col. 6, lines 25-30]. Additionally, the user may specify a desired position of an active window in response to the dynamic rearrangement [col. 5, lines 45-55]. Therefore, Jones teaches ***determining a destination location to which the graphical component is moved***. Additionally, Berry et al. (US Patent No. 4,789.962) is made of record as pertinent to applicant's disclosure.

Applicant's arguments in regards to claim 19 have been fully considered but they are not persuasive. Applicant argues Jones does not teach or suggest accessing other graphical component within a ***predetermined time***. Examiner respectfully disagrees. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to select any of the windows within the display of Jones prior to selecting (typing) the chosen active window. Furthermore, it is inherent that the processor disclosed in Jones contains a timer type function for its processing needs. Thus, it would have been obvious for the processor to distinguish the active window from the inactive windows based on the amount of time the user interacts with a certain window.

Applicant's arguments in regards to claims 4, 9-13, 22, 23/4, 23/9, 23/22, 24/4, 24/9, 24/22, and 28 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments in regards to claims 8, 23/8, and 24/8 have been fully considered but they are not persuasive. Applicant argues Jones in view of Elliott (US Patent No. 5,621,904) does not teach nor suggest ***a predetermined distance***. Examiner respectfully disagrees. Jones teaches moving the active window to the foreground so that the typing within the window is not blocked by the inactive windows. Furthermore, Jones teaches in col. 5, lines 45-58 that a user may specify a preference that the active window be moved to an upper left-hand corner of a display area during rearrangement of the windows. Thus, knowing the specified location determines the

distance that the active window relocates to. Thus, Jones teaches ***a predetermined distance***.

Michelle K. Lay
Patent Examiner
Art Unit 2672

10.05.2005 mkl